

STANDARD APPLICATION
Harford County
Board of Appeals
Bel Air, Maryland 21014

AUG

2006

Case No. 5566
Date Filed 8/7/06
Hearing Date _____
Receipt _____
Fee \$450.00

Shaded Areas for Office Use Only

Type of Application

- ☐ Administrative Decision/Interpretation
☐ Special Exception
☐ Use Variance
☐ Change/Extension of Non-Conforming Use
☐ Minor Area Variance
☐ Area Variance
☐ Variance from Requirements of the Code
☐ Zoning Map/Drafting Correction

Nature of Request and Section(s) of Code

CASE 5566 MAP 56 TYPE Variance ELECTION DISTRICT 01

LOCATION 2217 Kempton Park Circle, Bel Air 21015

BY Wayne Bowers and Jeffrey Hoilman, 221 Gateway Drive, Bel Air 21014

Appealed because a variance pursuant to Section 267-36B Table V of the Harford County Code to permit a sunroom to be located within the 35' rear yard setback (28' proposed) in the R2/COS District requires approval by the Board.

NOTE: A pre-conference is required for property within the NRD/Critical Area or requests for an Integrated Community Shopping Center, a Planned Residential Development, mobile home park and Special Exceptions.

Applicant/Owner (please print or type)

Name Wayne Bowers Phone Number 410-569-2394
Address 2217 Kempton Park circle Bel Air MD 21015
Street Number Street City State Zip Code

Co-Applicant Jeffrey Hoilman Phone Number 410-557-0555
Address 221 Gateway Dr. Bel Air MD 21014
Street Number Street City State Zip Code

Contract Purchaser _____ Phone Number _____
Address _____
Street Number Street City State Zip Code

Attorney/Representative _____ Phone Number _____
Address _____
Street Number Street City State Zip Code

Land Description

Address and Location of Property 2217 Kempton Park Circle
Bel Air MD 21015

Subdivision Hunter's Run

Lot Number 134

Acreage/Lot Size 10.410 SF Election District 01

Zoning R2/COS

Tax Map No. 56 Grid No. 2E Parcel 346 Water/Sewer: Private _____ Public X

List ALL structures on property and current use: SFD

Estimated time required to present case: _____

If this Appeal is in reference to a Building Permit, state number _____

Would approval of this petition violate the covenants and restrictions for your property? _____

Is this property located within the County's Chesapeake Bay Critical Area? Yes _____ No X

If so, what is the Critical Area Land Use designations: _____

Is this request the result of a zoning enforcement investigation? Yes _____ No _____

Is this request within one (1) mile of any incorporated town limits? Yes _____ No _____

Request

To construct an 18' x 12'-6" Sunroom over the
existing rear deck and encroach 7' into the
35' rear yard setback

Justification

The existing SFD was positioned on an angle
pushing the home closer to the rear property line,
leaving minimal space for enclosed improvements.

If additional space is needed, attach sheet to application. In answering the above questions, please refer to the Requirements that pertain to the type of approval request. (Special Exception, Variance, Critical Area or Natural Resource District (NRD) Variance, etc.)



PROPERTY MANAGEMENT, INC.
MANAGERS OF CONDOMINIUMS, HOMEOWNER
ASSOCIATIONS, & COMMUNITY ASSOCIATIONS

July 21, 2006

Wayne & Sheila Bowers
2217 Kempton Park Circle
Bel Air MD 21015

Subject: Hunters Run Homeowners
Association, Inc., Architectural Review
Submittal: 2217 Kempton Park Circle,
Sunroom

Dear Wayne & Sheila Bowers,

The Architectural Review Board has approved your plans as submitted for a sunroom subject to the following conditions:

- Receipt of any/all Harford County permits and approvals.
- Compliance with all County and Covenants setbacks, right of ways, restrictions, easements, etc.

I hope that your new addition provides you many years of enjoyment. Should you require any further information concerning this matter, please do not hesitate to contact me.

Very truly yours,

MRA Property Management, Inc.

A handwritten signature in black ink, appearing to read "Marc Boyd", is written over a horizontal line.

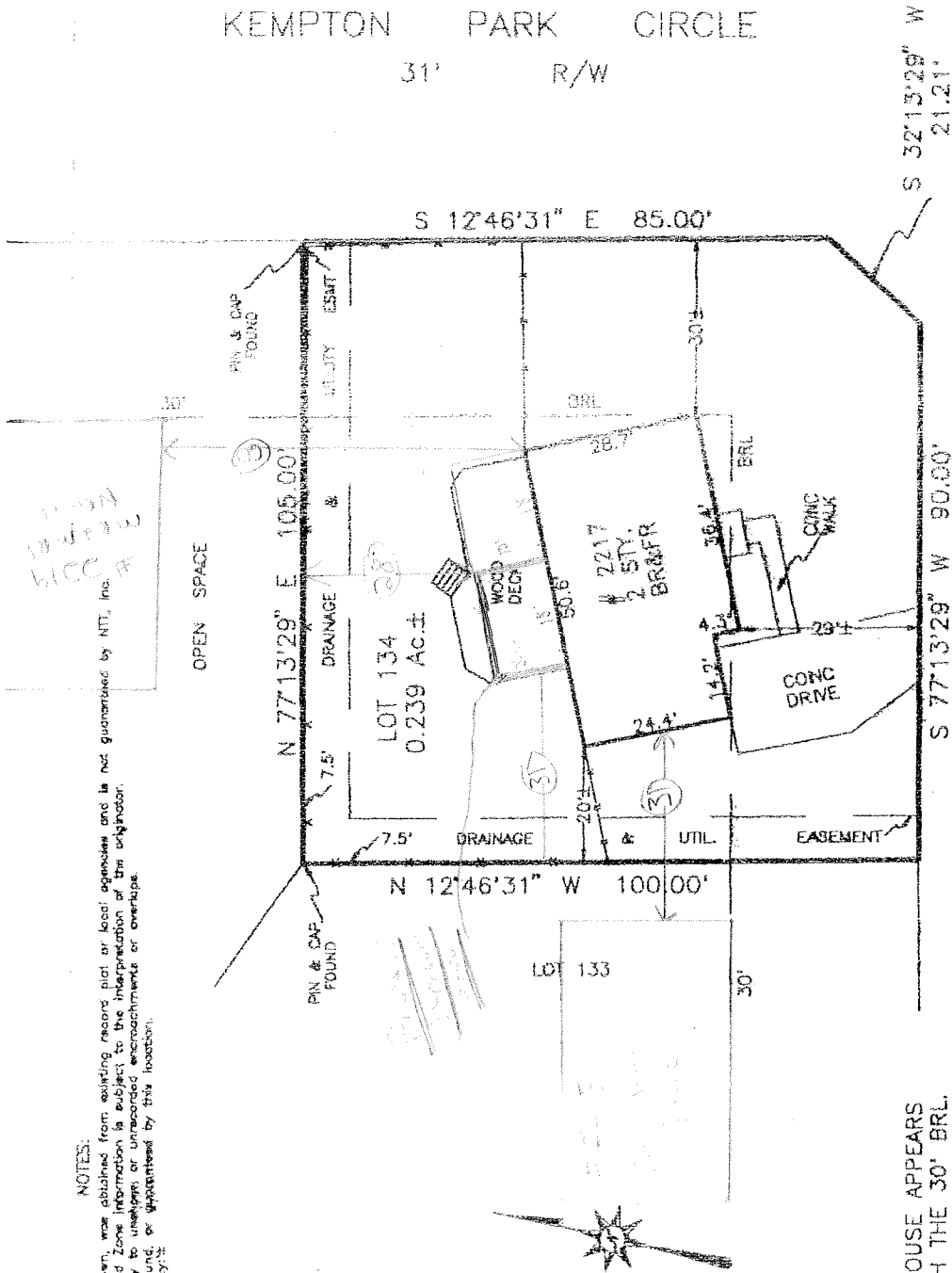
Marc Boyd, Property Manager
Agent for Hunters Run

MB\lmv

cc: Board File
Architectural Review File

NOTES:

- 1) All information, if shown, was obtained from existing record plat or local agencies and is not guaranteed by NTT, Inc.
- 2) Building line and/or Flood Zone information is subject to the interpretation of the originator.
- 3) NTT, Inc. does not certify to unshown or unrecorded encroachments or overlaps.
- 4) Property markers NOT found, or guaranteed by this location.
- 5) Sufficient distance accuracy: ±

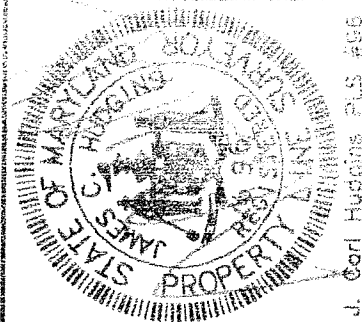


NOTE: THE HOUSE APPEARS
TO ENCROACH THE 30' BRL.

Subject property is shown in Zone C
on the FIRM Map of HARFORD COUNTY,
Maryland on Community Panel
240040 0117 A. Effective MARCH 2, 1983

This is to certify that I have surveyed the property shown herein,
being known as
LOT 134 FINAL PLAT ONE PHASE
THREE SECTION ONE HUNTER'S RUN
and recorded among the land records of HARFORD County,
Maryland in Plat 58, folio 35
for the purpose of locating the improvements thereon.

* This plat is of benefit to the consumer only insofar as it is required
by a lender or a title insurance company or its agent in connection
with contemplated transfer, financing or refinancing purposes.
* This plat is not to be relied upon for the establishment of location
of fences, garages, buildings, or other existing or future structures.
* This plat does not provide for the accurate identification of prop-
erty boundary lines, but such identification may not be required for
the transfer of title or for securing financing or refinancing.



LOCATION DRAWING		Scale: 1" = 30'
2217 KEMPTON PARK CIRCLE		Date: 05MAY97
1st ELECTION DISTRICT		Field By: RIK
HARFORD COUNTY, MD.		Drawn By: RIK
		Drawing # MSC5629

NTT Associates, Inc.
16205 Old Frederick Road
Mt. Airy, Maryland 21771
Ph. (410)442-2031
Fax No. (410)442-1315



2217 Kempton Park Circle
Rear Side and location
of proposed Sunroom.

DAVID R. CRAIG
HARFORD COUNTY EXECUTIVE

LORRAINE COSTELLO
DIRECTOR OF ADMINISTRATION



C. PETE GUTWALD
DIRECTOR OF PLANNING & ZONING

HARFORD COUNTY GOVERNMENT

Department of Planning and Zoning

September 26, 2006

STAFF REPORT

BOARD OF APPEALS CASE NO. 5566

APPLICANT/OWNER: Wayne Bowers
2217 Kempton Park Circle, Bel Air, Maryland 21015

Co-APPLICANT: Jeffrey Hoilman
221 Gateway Drive, Bel Air, Maryland 21014

REPRESENTATIVE: Applicants

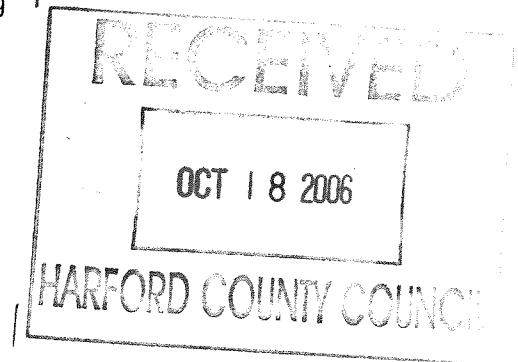
LOCATION: 2217 Kempton Park Circle-Hunter's Run Suidivision
Tax Map: 56 / Grid: 2E / Parcel: 346 / Lot: 134
Election District: First (1)

ACREAGE: 10,410 square feet

ZONING: R2/Urban Residential District (R2/COS)

DATE FILED: August 7, 2006

HEARING DATE: October 23, 2006



APPLICANT'S REQUEST and JUSTIFICATION:

Request:

"To construct an 18 foot by 12 foot 10 inch sunroom over the existing rear deck and encroach 7 feet into the 35 foot rear yard setback."

Preserving Harford's past; promoting Harford's future

STAFF REPORT

Board of Appeals Case Number 5566

Wayne Bowers and Jeffrey Hoilman

Page 2 of 4

Justification:

“The existing SFD was positioned on an angle pushing the home closer to the rear property line, leaving minimal space for enclosed improvements.”

CODE REQUIREMENTS:

The Applicants are requesting a variance pursuant to Section 267-36B, Table V, of the Harford County Code to permit a sunroom to be located within the 35 foot rear yard setback (28 foot proposed) in the R2/COS District.

Enclosed with the report is a copy of Section 267-36B, Table V of the Harford County Code Attachment 1).

LAND USE and ZONING ANALYSIS:

Land Use – Master Plan:

The Applicant's property is located east of Laurel Bush Road in the development of Hunter's Run. The lot fronts on the west side of Kempton Park Circle. A location map and a copy of the Applicant's site plan are enclosed with the report (Attachments 2 and 3).

The subject property is located within the Development Envelope. The predominant land use designations in the area are Low, Medium and High Intensities. The Natural Features Map reflects stream systems. The subject property is located in the Medium Intensity Designation which is defined by the 2004 Master Plan as:

***Medium Intensity** - Areas within the Development Envelope where residential development is the primary land use. Density ranges from 3.5 to 7.0 dwelling units per acre. Grocery stores, variety stores and other commercial uses are examples of some of the more intensive uses associated with this designation.*

Enclosed with the report are copies of portions of the 2004 Land Use Map and the Natural Features Map (Attachments 4 and 5).

Land Use – Existing:

The existing land uses within this subject area conform to the overall intent of the 2004 Master Plan. Residential uses include conventional single family dwellings, townhouses, garden apartments and condominiums. Commercial uses include single retail stores, service uses and shopping centers. The topography of the area ranges from rolling to steep, especially near the major stream valleys. Enclosed with the report is a copy of the topography map and the aerial photograph (Attachments 6 and 7).

STAFF REPORT

Board of Appeals Case Number 5566

Wayne Bowers and Jeffrey Hoilman

Page 3 of 4

The Applicants property is a corner lot (Attachment 8). The lot is square in shape and approximately 10,410 square feet in size. The topography of the lot rises up from the road to the center of the lot. The lot is subject to two front yard setbacks and has easements on the remaining two sides. Improvements consist of a two story brick and frame dwelling with an attached 1 car garage. Other improvements consist of a concrete driveway, a two level deck attached to the rear of the dwelling, a swing set and play house. The lot is nicely landscaped with mature trees and shrubbery. The Applicant proposes to construct a sunroom on part of the deck. Site photographs along with an enlargement of the aerial photograph are enclosed with the report (Attachments 9 and 10).

Zoning:

The zoning in the area conforms to the overall intent of the 2004 Master Plan as well as the existing land uses. Residential zoning includes R1, R2, R3 and R4/Urban Residential Districts. Commercial zoning includes B2/Community Business, B3/General Business and CI/Commercial Industrial Districts. The subject property is zoned R2/Urban Residential District (Attachment 11).

SUMMARY:

The Applicants are requesting a variance pursuant to Section 267-36B, Table V, of the Harford County Code to permit a sunroom to be located within the 35 foot rear yard setback (28 foot proposed) in the R2/COS District.

Variances of this nature may be approved by the Board of Appeals pursuant to Section 267-11 of the Harford County Code, provided it finds by reason of the uniqueness of the property or topographical conditions that literal enforcement of the Code would result in practical difficulty and undue hardship. Further, the applicant must show that the request will not be substantially detrimental to adjacent properties or will not materially impair the purpose of the Code or the public interest.

The Applicants are requesting a 7 foot variance to construct an 18 by 12 foot 10 inch sunroom over an existing rear deck (see enclosed copy of building plans Attachment 12). Because of the angle that the builder positioned the dwelling on the lot, one corner of the proposed sunroom will be 28 feet and the other corner will be 33 feet from the rear property line.

The architectural review board for the development has reviewed the proposed sunroom addition and extended their approval subject to the Applicant's obtaining all necessary permits and approvals (Attachment 13).

The Department finds that the subject property is unique. The lot is a corner lot and is subject to two front yard setbacks. Also, the lot is shallow compared to other lots in the neighborhood. The area adjacent to the rear yard serves as an access to an area of open space. If approved, the request will not adversely impact adjacent properties or the intent of the code.

STAFF REPORT


Board of Appeals Case Number 5566

Wayne Bowers and Jeffrey Hoilman

Page 4 of 4


RECOMMENDATION and or SUGGESTED CONDITIONS:

The Department of Planning and Zoning recommends that the requested variance be approved subject to the Applicants obtaining all necessary permits and inspection.



Dennis J. Sigler, Coordinator
Zoning & Board of Appeals Review

DJS/ASM/jf



Anthony S. McClune, AICP
Deputy Director, Planning and Zoning